

Senate File 2333 - Enrolled

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SENATE FILE 2333

AN ACT

RELATING TO THE REGULATION OF VETERANS COMMEMORATIVE PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 37A.1, Code 2007, is amended to read as follows:

37A.1 VETERANS COMMEMORATIVE PROPERTY == PENALTY.

1. For purposes of this chapter, unless the context otherwise requires:

~~a. "Cemetery" means as defined in section 523I.102, but includes pioneer cemeteries. "Cemetery" does not include religious cemeteries as defined in section 523I.102 that commenced business prior to July 1, 2005.~~

~~b. a.~~ "Department" means the Iowa department of veterans affairs.

~~c. b.~~ "Veteran" means a deceased person who served in the armed forces of the United States during a war in which the United States was engaged or served full-time in active duty in a force of an organized state militia, excluding service in the national guard when in an inactive status.

~~d. c.~~ "Veterans commemorative property" means any memorial as defined in section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that meets all of the following criteria:

~~(1) Is over seventy-five years old.~~

~~(2) Identifies identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division.~~

~~(3) Has been placed in a cemetery.~~

~~e. d.~~ "Veterans organization" means the grand army of the republic, sons of union veterans of the civil war, sons of confederate veterans, veterans of foreign wars, disabled American veterans, united Spanish war veterans, the Jewish war veterans of the United States, inc., the Catholic war veterans, inc., American legion, American veterans of World War II, Italian American war veterans of the United States, inc., or other corporation or association of veterans.

2. A person who owns or controls ~~a cemetery property~~ where any veterans commemorative property has been placed shall not sell, trade, or transfer any part of such veterans commemorative property unless the department authorizes the person to do so. The department may authorize the sale, trade, or transfer based upon the following criteria:

a. The veterans commemorative property is at reasonable risk of physically deteriorating so that it will become unrecognizable as identifying or commemorating the veteran or group of veterans originally identified or commemorated.

b. The veterans commemorative property is proposed to be sold, traded, or transferred to a suitable person that will preserve the current condition of the veterans commemorative property and place it in a suitable place that will commemorate the veteran or group of veterans.

c. The person needs to sell, trade, or transfer the veterans commemorative property to ensure that sufficient funds are available to suitably maintain the cemetery where the veterans commemorative property is placed, and the specific lot, plot, grave, burial place, niche, crypt, or other place of interment of such veteran or group of veterans.

d. The veterans commemorative property that is to be sold, traded, or transferred will be replaced at its original site by a fitting replacement commemorative property, monument, or marker that appropriately identifies and commemorates the veteran or group of veterans.

e. If the person reasonably believes that the veterans commemorative property to be sold, traded, or transferred was donated by a veterans organization, the veterans organization consents to the sale, trade, or transfer of the veterans commemorative property.

f. If the person is not the owner of the veterans

3 4 commemorative property that is to be sold, traded, or
3 5 transferred, the person is authorized by the owner of such
3 6 veterans commemorative property, or by operation of law other
3 7 than this section, to sell, trade, or transfer the veterans
3 8 commemorative property and to retain and use the proceeds of
3 9 the sale, trade, or transfer.

3 10 3. A person who engages in the sale, trade, or transfer of
3 11 veterans commemorative property without the authorization of
3 12 the department pursuant to this section is guilty of a simple
3 13 misdemeanor.

3 14 4. The department may adopt rules in accordance with
3 15 chapter 17A to administer this chapter.

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3 19 _____
3 20 JOHN P. KIBBIE
3 21 President of the Senate

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3 24 PATRICK J. MURPHY
3 25 Speaker of the House
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3 27 I hereby certify that this bill originated in the Senate and
3 28 is known as Senate File 2333, Eighty-second General Assembly.

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3 33 MICHAEL E. MARSHALL
3 34 Secretary of the Senate

3 35 Approved _____, 2008

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4 4 CHESTER J. CULVER
4 4 Governor